



Provincial Court of British Columbia

When the safety and well-being of children is at issue, the Court may become involved as set out in the *Child, Family and Community Service Act* or under Indigenous child protection laws.

Getting help

Coming to court can be both stressful and frightening when a child is involved. If a child is removed from your care, talk to a lawyer as soon as possible.

Legal Aid BC provides free lawyers for child protection cases if you cannot afford one. It also operates Parents Legal Centres in many BC communities. At these centres a lawyer and an advocate may be able to help find solutions for your family.

[Legal Aid BC](#)

[Parents Legal Centres](#)

[Indigenous Justice Centres \(BC First Nations Justice Council\)](#)

Court process

The parties who may be involved in a child protection case are the parents, the child's guardian(s), the Provincial Director of Child Welfare or Indigenous Child Welfare Director, a First Nation if the child is Indigenous, and the child if they are 12 or older. In court you may hear the government agency responsible for child welfare called "the Director", "the Ministry", "Delegated Aboriginal Agency" and "Indigenous Governing Body".

[Court process \(Legal Aid BC\)](#)

Presentation hearing

Within seven days of a child being removed from their parent, the parents and social worker attend court for a presentation hearing. The purpose of the hearing is to determine whether

the Director's decision to remove the child was lawful and to decide the best place for the child to live until there can be a full hearing.

If the parents and social worker agree on these issues, the judge will likely make an order that day. If not, the hearing will continue on another day when more time is available for witnesses to testify.

The orders a judge makes at a presentation hearing are called interim orders because they last until a protection hearing takes place.

Family case conference

At a family case conference, parents, social workers and their lawyers meet with a judge. If the child is Indigenous, a representative of their Nation and their lawyer may also attend. Everyone attends remotely by video conference or telephone.

At the conference, a judge will try to help the parties reach an agreement about the legal issues in the case.

Protection hearing

At a protection hearing a judge decides whether a child needs protection, and if so, the best way to protect them.

Both the Director and the parents present witnesses and have a chance to question the other party's witnesses.

The orders a judge makes at a protection hearing are usually called temporary orders because there are time limits on how long they can last, depending on the child's age. While it doesn't occur often, the Director may however, ask the judge to make a final order placing the child in the continuing custody of the Director.

Continuing custody hearing

At a continuing custody hearing the Director asks the judge to make an order placing a child in the continuing custody of the Director. This only happens if there are very serious problems and social workers believe they cannot be solved.

Indigenous jurisdiction over child protection services

An Act respecting First Nations, Inuit and Métis children, youth and families established processes for enacting Indigenous laws in relation to the exercise of Indigenous jurisdiction over child protection matters. The court process and titles under such laws may differ from the court processes described above and should be reviewed if applicable to your matter.

[*An Act respecting First Nations, Inuit and Métis children, youth and families*](#)

[*Provincial Court \(Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem \[Laws of the Cowichan People for Families and Children\]\) Rules*](#)

Notices, policies, practice directions

Find notices (including Notice 28 Current Court Operations), policies and family practice directions.



Family Forms

Family forms and information guides to help you complete your forms. (Government of BC)



Finding a lawyer or getting legal advice

Information about getting a lawyer and how to get legal advice and legal assistance.



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